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**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/411,730 10/01/99 KRAMER

D 60.130-569

EXAMINER

MM91/0801

CARLSON, GASKEY & OLDS  
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BIRMINGHAM MI 48009

HAMDAN, W

ART UNIT

PAPER NUMBER

2858

DATE MAILED:

08/01/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/411,730

Applicant(s)

KRAMER, DENNIS A.

Examiner

Wasseem H Hamdan

Art Unit

2858

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

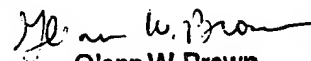
- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

  
Glenn W. Brown  
Primary Examiner

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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### **Part III - DETAILED ACTION**

#### ***Appeal Brief***

1. This office action is in response to applicant's appeal brief filed on June 28.
2. Applicant's brief has been considered and found persuasive. Accordingly, the examiner hereby withdraws the finality of the office action mailed on 02/28/2001.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1, 10 and 15, are rejected under 35 U.S.C. 102(e) as being anticipated by Doyle et al. (US Patent number 5,850,188).

Regarding claims 1, 10 and 15, Doyle et al. disclose a method of actuating electrical components of a vehicle for performing diagnostic analysis on the electrical components [Fig. 1; Fig. 3 (920; column 1: lines 61-66; column 2: lines 60-64; column 5: lines 3-15], said method comprising:

relaying a signal from a remote transmitter [Fig. 1 (18) to a receiver aboard a vehicle [Fig. 1 (12); column 3: lines 46-49];

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actuating electrical components on the vehicle in response to the signal from the transmitter [Fig. 1; column 4: lines 19-30; column 5: lines 9-11].

Regarding claim 2, Doyle et al. disclose including the step of performing diagnostic analysis upon the electrical components of the vehicle [Fig. 1; column 2: lines 56-60; column 4: lines 33-35] while actuating the electrical components with the remote transmitter [Fig. 1; column 4: lines 19-30; column 5: lines 9-11].

Regarding claim 3, Doyle et al. disclose wherein said step of relaying a signal from the remote transmitter is further defined by transmitting a radio frequency signal from a remote transmitter to a vehicle receiver [column 3: lines 5-7; column 5: lines 3-15].

Regarding claim 4, Doyle et al. disclose including the step of relaying the signal received by the receiver to an electronic control device located aboard the vehicle [Fig. 1; column 3: lines 46-49].

Regarding claims 5, 10, 17 and 18, Doyle et al. disclose wherein said step of actuating the electrical components is further defined by directing the electronic components [Fig. 1; column 4: lines 47-54; column 4: lines 59-64; Fig. 2]. Doyle et al. disclose the essential elements of the claimed invention. Doyle et al. do not explicitly disclose an actuation cycle programmed into the

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electronic control device. Doyle et al. disclose that the diagnostic is performed in a programming means [Fig. 2], which inherent and believed that it is done by running the program to cycle through all the components.

Regarding claims 7, 8, 13 and 14, Doyle et al. disclose wherein said step of relaying a signal from the remote transmitter is further defined by transmitting a radio frequency signal [column 3: lines 5-13; column 4: lines 6-18] from a remote transmitter to a keyless entry receiver [FIG. 1; column 2: lines 24-27; column 5: lines 16-22].

Regarding claim 11, Doyle et al. disclose said step of programming the electronic control device is further defined by entering a temporary program into the electronic control device for actuating the electrical components [Fig. 2].

Regarding claim 12, Doyle et al. disclose wherein said steps of transmitting a signal, and performing diagnostic analysis are executed by a single operator [Fig. 2].

5. Claims 6, 9 and 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doyle et al. (US Patent number 5,850,188) in view of Ostermann et al. (US Patent number 5,798,576) or Wallace (US Patent 5,684,337).

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Regarding claims 6, 9 and 16, Doyle et al. disclose the essential elements of the claimed invention. However, Doyle et al. do not explicitly disclose of wiring the receiver or wiring the keyless entry receiver to the electrical components for by-passing the electronic control device for directly signaling the electrical components. Ostermann et al. or Wallace disclose of wiring the receiver to the electrical components for by-passing the electronic control device for directly signaling the electrical components [(Ostermann et al. [Fig. 1 (10)]); (or Wallace [Fig. 1 (c)])]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the teachings of Doyle et al. by including of wiring the receiver or wiring the keyless entry receiver to the electrical components for by-passing the electronic control device for directly signaling the electrical components. The skilled artisan would have been motivated to modify Doyle et al. as above for the purpose of performing diagnostics on the vehicle.

### *Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wasseem Hamdan whose telephone number is (703) 305-3968. The examiner can normally be reached Monday-Thursday from 700AM-400PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Safet Metjahic can be reached on (703) 308-1436.

The fax phone number for this Art Unit is (703)305-7722 or (703)305-7724.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Receptionist at (703) 305-3800.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry, please label

"FORMAL" and sign as attorney of record)

**Or:**

(703) 305-9724 (for informal or draft communications, please label

"PROPOSED" or "DRAFT" and prominently label PLEASE DELIVER

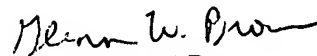
DIRECTLY TO EXAMINER)

Hand-delivered responses should be brought to Crystal Plaza 4 [fourth Floor (Receptionist)], 2201 South Clark Place, Arlington, VA. 22202.

Wasseem H. Hamdan



July 27, 2001



Glenn W. Brown  
Primary Examiner